

JUNE 2006 UPDATE

A meeting with interested stakeholders was held on May 25, 2006 and the following subjects were discussed. Further meetings have been scheduled to continue the review of the draft rules (new draft posted on this website).

(**Bold** = discussion subject or questions asked. Regular font = action taken.)

During future meetings, defined terms, including admission and discharge, will be tracked in the body of the rules to see how the term is used and if the definition is appropriate.

Defined terms will be in **bolded text** in the body of the rules so that individuals can return to the definition section as needed to determine if the term is appropriately defined.

R9-10-1001(9) Definition of "chief clinical officer". Is this individual responsible for the operations of the OTC or for the medical services/therapeutic services provided by the OTC. Need a definition of "administrator".

R9-10-1004(C)(3) requires an OTC's governing authority to appoint a chief clinical officer to oversee the medical services provided by or at the OTC. The definition of "chief clinical officer" will be amended to be consistent with rule requirements.

The term for "administrator" that is used in the body of the rules is "chief administrative officer", so a definition "chief administrative officer" will be added.

R9-10-1001(10) Definition of "children". Why is the term children defined as individuals under 14 years of age?

The term "children" is used in R9-10-1001(77) as a type of OTC services, "care for children needing nursing services". This could be considered a type of child care and the definition for child care facilities in A.R.S. § 36-881 provides that a child means "any person through the age of fourteen years."

R9-10-1001(14) Definition of "clinical staff member". Does this apply to:

1) radiological technicians?

Radiological technologists are regulated pursuant to A.R.S. Title 32, Chapter 28 and are included in the definition of "health professional" in A.R.S. § 32-3201.

2) school-based affiliated dental hygienists?

Dental hygienists are regulated pursuant A.R.S. Title 32, Chapter 11, Article 4 and are included in the definitions of "health professional" A.R.S. § 32-3201.

3) EMTs and paramedics?

EMTs and paramedics are regulated pursuant to A.R.S. Title 36, Chapter 21.1 and are **not** included in the definition of "health professional" in A.R.S. § 32-3201.

4) unregistered sleep technicians? Registered sleep technicians usually read the test results during administrative hours while unregistered sleep technicians administer the tests during clinical hours of operation. Requiring registered sleep technicians to be at the sleep clinic during clinical hours of operation would cost more and probably cause some sleep clinics to close. Not requiring registered sleep technicians allows unregistered personnel who may not have adequate training to deal with emergencies to be at the sleep clinic with no on-site back-up. It may be more effective to include educational qualifications for sleep technicians and not rely on "registration" as a minimum standard. Under the current draft, unregistered sleep technicians are not considered "clinical staff members". This issue will be discussed by Department staff and any changes made to the draft rules as a result of the discussion will be reviewed by the rules committee in a future meeting.

R9-10-1001(16) Definition of "compensated". It was suggested that the phrase "expected to received" be added.

This term applies to individuals who are "compensated" for working for an OTC. This issue will be discussed by Department staff and any changes made to the draft rules as a result of the discussion will be reviewed by the rules committee in a future meeting.

R9-10-1001(17) Definition of "conspicuously posted". What is a reception area? Does this refer to a "patient" reception area? Cited for not having the required information posted because the font was not large enough.

This issue will be discussed by Department staff and any changes made to the draft rules as a result of the discussion will be reviewed by the rules committee in a future meeting.

R9-10-1001(22) Definition of "diagnostic procedure". Does this include "radiological examination"?
Yes, if the radiological examination is performed to determine whether an individual has a medical condition.

R9-10-1001(24) Definition of "disaster". The word "adverse" is not clear or necessary in this definition.

The Department will delete "adverse".

R9-10-1001(28) Definition of "drill". If the local fire jurisdiction comes in and trains personnel on the correct way to use a fire extinguisher, can that be counted as a fire "drill"?

The intent is to have OTC personnel be able to evacuate the OTC in the event of a fire or disaster. Learning to use a fire extinguisher does not enhance an individual's ability to evacuate a building. This issue will be discussed by Department staff and any changes made to the draft rules as a result of the discussion will be reviewed by the rules committee in a future meeting.

R9-10-1001(40) Definition of "informed consent". Is the Department creating some tort liabilities with the definition? Check case involving "Duncan".

There are specific requirements for informed consent in this rule package and a definition is necessary.

R9-10-1001(44) Definition of "medical condition". Is it necessary to expand this definition because some care is provided to individual's that do not have an illness, injury, or disease, such as well-baby check-up or pregnancy?

This definition will be tracked to determine if it is wise to expand the definition.

R9-10-1001(46) Definition of "medical history".

This definition will be tracked to determine if it is wise to amend the definition.

R9-10-1001(48) Definition of "medical staff member".

This definition will be tracked to determine if it is wise to amend the definition.

R9-10-1001(50) Definition of "medication error". This definition should encompass the 5 "rights" or medication administration, right patient, right time, right dose, right route, and right site. What about the administration of medication to a patient with a documented allergy to the medication? Sometimes a medication allergy is known but the medication is administered anyway after steps are taken to minimize the effect of the allergy.

R9-10-1001(51) Definition of "non-clinical staff member". If an individual passes out surveys for an OTC is that person required to receive:

1)orientation?

Yes, the person must receive orientation specific to the tasks assigned to the non-clinical staff member.

2)inservice education?

No, only non-clinical staff members who provide OTC services (medical services, nursing services, or health-related services) are required to receive inservice education.

R9-10-1001(77) Definition of "type of OTC services". The members of the rules committee were asked to review and comment on the listing of the type of services provided by or in an OTC to ensure that the listing accurately reflects the industry. The term "endoscopy services" will be deleted because endoscopies are only performed in outpatient surgical centers or a higher level of care. Oncology services are provided at OTCs so "oncology services" will be added to the list. This listing needs to reflect the type of services provided by or in an OTC. Please review and comment.

Deleted "endoscopy services" and added "oncology services".

Stopped review before R9-10-1001(78).

CHANGES MADE TO THE DRAFT RULES

R9-10-1001(9) "Chief clinical officer" means an individual who is responsible for the direction of ~~OTC~~ services medical services provided to a patient.

R9-10-1001(24) "Disaster" means an unexpected ~~adverse~~ event, such as a fire, flood, extreme weather, or bomb threat that affects an outpatient treatment center's ability to provide OTC services.

R9-10-1001(77) Will delete "endoscopy services" and add "oncology services".

Next scheduled meeting:

Thursday, June 29, 2006 at 1:30 p.m. at
150 N. 18th Ave, 4th Floor Training Room
Phoenix, AZ

Future scheduled meetings:

MONDAY, JULY 24, 2006
THURSDAY, AUGUST 24, 2006